

REMARKS

Traversal of Restriction/Election

The Examiner has withdrawn claims 14-19 as being drawn to a non-elected invention, arguing that claims 14-19 are drawn to a turbine engine, while the originally-filed claims were directed to a bearing seal assembly. Applicant traverses this restriction. MPEP 806.05(c) states that a combination/subcombination, where the combination sets forth the details of the subcombination as separately claimed, the inventions are not distinct. MPEP 806.05 (c) recites:

I. SUBCOMBINATION ESSENTIAL TO COMBINATION

AB_{sp}/B_{sp} No Restriction

Where a combination *as claimed* sets forth the details of the subcombination *as separately claimed*, there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}. The inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility. This situation can be diagrammed as combination AB_{sp} ("sp" is an abbreviation for "specific"), and subcombination B_{sp}. Thus the specific characteristics required by the subcombination claim B_{sp} are also required by the combination claim.

Here, the Examiner's says that claims 14-19 are to the combination that include the elements of the claims to the subcombination and according to the Examiner, claim 14 *was* the subcombination and is now the combination.

Prior Art

The Examiner has rejected claims 1-13 as anticipated by Ishitani (GB 2140880). Claim 1 recites the oil compartment and air compartment, which are not disclosed by Ishitani. The Examiner argues that some air is discharged by system 27 into area A, which contains seawater. However, area A in Ishitani is not a compartment - - it is the sea. Further, there is not enough

air discharged by system 27 (or “naturally” in the seawater) compared to the volume of water for the seawater to be considered an “air compartment.” Therefore, claims 1-13 are not anticipated by Ishitani.

It is believed that no fees are due. If any fees are due, please charge all fees to Deposit Account No. 21-0279.

Respectfully Submitted,

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Date

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